

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

PANUNCIO ALVAREZ

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VS.

CIVIL ACTION NO.  
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ARTHUR ARD AND COZY TRUCKING,  
INC.

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**DEFENDANT'S, COZY TRUCKING, INC., NOTICE OF REMOVAL**

Defendant, COZY TRUCKING, INC., files this Notice of Removal for the purpose of removing this cause to the United States District Court for the Southern District of Texas, Laredo Division, and state as follows:

**I. STATE COURT ACTION**

This is an action filed on or about March 20, 2015, in the 406<sup>th</sup> District Court of Webb County, Texas (the "State Court") being Cause No. 2015CVT000984-D4 on the docket of the court (the "State Court Petition"), and being a suit by Plaintiff, Panuncio Alvarez, against Defendant for money damages arising from a motor vehicle accident occurring on or about February 16, 2015 in Laredo, Webb County, Texas (the "Accident"). Plaintiff alleges claims of agency and respondeat superior, negligence, and damages.

**II. FEDERAL JURISDICTION**

Plaintiff, Panuncio Alvarez, alleges that he "is an individual residing in Webb County, Texas". Defendant, COZY TRUCKING, INC. is a Michigan corporation with its principal place of business in Haslett, Michigan. Defendant, Arthur Ard, is a

resident of Tucson, Arizona. The amount in controversy is in excess of \$75,000.00, exclusive of interest and costs, as per Plaintiff's Original Petition.

There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. § 1332 (a)(1). The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§ 1332, 1441, and 1146.

### **III. STATE COURT DOCUMENTS ATTACHED**

This Notice of Removal is being filed within thirty (30) days on receipt of confirmation by Cozy Trucking, Inc. that they are not Texas residents as pled in Plaintiff's Original Petition filed in the State Court. This suit was originally filed on March 20, 2015. Defendant was served with this lawsuit on March 31, 2015. Removal is therefore timely under 28 U.S.C. § 1446(b)(c). Attached hereto are copies of all pleadings, process, and orders received or filed by the parties in the State Court pursuant to 28 U.S.C. § 1446(a). Also attached is a copy of the State Court docket sheet, and the entire contents of the State Court file.

### **IV. EXHIBITS TO NOTICE OF REMOVAL**

1. The index of State Court documents are as follows:

- A. Idocket sheet from the 406<sup>th</sup> District Court of Webb County, Texas;
- B. Plaintiff's Original Petition;
- C. Plaintiff's First Set of Interrogatories, Request for Production to Defendant, COZY TRUCKING, INC.;

- D. Plaintiff's First Set of Interrogatories, Request for Production to Defendant, Arthur Ard.; and
  - E. Defendant's, COZY TRUCKING, INC., Original Answer.
2. List of Counsel of Record.

## V. RELIEF REQUESTED

Defendant respectfully request that Cause No. 2015CVT000984-D4, in the 406<sup>th</sup> District Court of Webb County be removed to the United States District Court for the Southern District of Texas, Laredo Division - the district court and division of proper jurisdiction and venue, and that this court assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

/s/ Robert Moran  
**ROBERT MORAN**  
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(956) 718-2045 - Facsimile  
**Attorney In Charge For Defendant**  
**COZY TRUCKING, INC.**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing document has been forwarded via certified mail, return receipt requested, via facsimile, and/or hand delivered on this 12<sup>th</sup> day of **May, 2015** to the following:

**Via Facsimile No. 210.340.5581**

James F. Perrin  
**WYATT LAW FIRM, LTD.**  
70 NE Loop 410, Suite 725  
San Antonio, Texas 78216

\_\_\_\_\_  
/s/ Robert Moran  
**ROBERT MORAN**